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Via Electronic Filing

Honorable Ramon Reyes, Jr.
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Nuchman v. City of New York, et al.*
Case No. 09-2392

Dear Judge Reyes:

This office represents the plaintiff in the above referenced action. Pursuant to Your Honor's direction, the parties hereby submit this joint letter concerning the status of this matter.

Please be advised that the arbitration in plaintiff's 3020-a proceeding has recently rendered an award. The arbitrator rejected the Department of Education's efforts to terminate plaintiff's employment, but imposed a 4-month suspension without pay. Plaintiff is, thus, suspended, without pay, from September 1, 2010 through December 31, 2010. In his award, the arbitrator absolved plaintiff of some of the charges that were brought against her.

As a result of the 3020-a award, plaintiff has filed a proceeding, pursuant to Article 75 of the CPLR, in the New York County Supreme Court in which she seeks to annul the award. This proceeding is currently pending. It is expected that it will take several months for this proceeding to be adjudicated. In the interim, the parties respectfully request that any further discovery be held in abeyance pending the judicial review of the 3020-a award.

The parties are also pleased to report that the underlying action, pending before Judge Block, has been settled for the sum of \$25,000.00. It was expressly provided that the settlement of that action would not affect the within retaliation action.

Respectfully submitted,
S/ **Alan E. Wolin**
ALAN E. WOLIN

cc: Isaac Klepfish, Esq. (By ECF)